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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,437	07/05/2001	Pierre-Guillaume Raverdy	50P4432.01/1596	3370

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EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,437

Applicant(s)

RAVERDY ET AL.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 8,28 and 45 is/are allowed.  
6) ☒ Claim(s) 1-7,9-27,29-44 and 46 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 July 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**CLAIMS 1-46 ARE PENDING**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments with respect to claims 1-7, 9-27, 29-44 and 46 have been considered but are moot in view of the new ground(s) of rejection.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5, 7, 9, 13, 20-23, 25, 27, 29, 33, 40 and 43-44, 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Albukerk et al (Albukerk), US 5,929,848, 27 July 1999.**

Albukerk is directed to providing interpretive information for objects distributed in a facility [COL 1 lines 13-17], with a preferred embodiment that transforms a guided museum tour into a challenging, interactive and participatory game [COL 2 lines 21-30].

As to **claim 1**:

*providing event content to a system user*

A tour is an event that includes the use of information about objects encountered on the tour. Albuquerk provides interpretive information to the user [COL 5 lines 48-63].

*an event server configured to manage said event content that corresponds to a specified event at an event location, said event server providing a restricted access to said event content over an electronic network*

Albuquerk teaches the use of an event server configured to manage said event content [COL 9 line 55 to COL 10 line 10]. Access to the content is restricted [COL 20 line [COL 20 lines 57-64].

*a user device configured to communicate with said event server over said electronic network by performing a wireless communications procedure*

Albuquerk teaches the use of a wireless network for communication [COL 8 lines 51-55; COL 9 line 60 to COL 10 line 1; COL 20 lines 26-30].

*said user device initially providing an access code to said event server for accessing said event content*

The personal interpretive device (PID) of a user periodically transmits its identification number [COL 20 lines 30-32; Col 20 lines 40-46], which corresponds to an access code.

*said event server responsively providing said event content to said user device until said access code expires, said restricted access being provided to said user device while said system user is at said event location.*

Albukerk teaches the transmission of event content restricted by identification and location in several embodiments, at least one of which involves transmission of the codes and receipt of object information over a wireless network [COL 19 lines 25-35]. A user can be moved to another location under direction of the server [COL 20 line 50 to COL 21 line 7], under conditions that correspond to the expiration of access. Albukerk also teaches the application of a predetermined usage time that corresponds to an expiration of access when it is used up [COL 11 lines 11-14; COL 15 line 65 to COL 16 line 7].

As to **claim 5**, the elements of the PID are depicted in FIG 2 and described further at COL 9 lines 1-23 and line 55 and after.

As to **claim 13**, the beginning and end of time periods customized for individual users in Albukerk correspond to the use of timestamps.

As to **claim 40**, the multiple venues in a museum correspond to event locations, and access to content is determined by venue.

As to **claim 46**, a museum tour corresponds to a live event.

The elements of **claims 2-3, 7, 9, 20-23, 25, 27, 29, 33 and 43-44** are rejected in the analysis above and these claims are rejected on that basis.

**4. Claims 4, 6, 10-12, 14-19, 24, 26, 30-32, 34-39 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albukerk et al (Albukerk), US 5,929,848, 27 July 1999 and Shteyn et al (Shteyn), US 6,782,253, 24 August 2004.**

The teachings of Albuquerk are largely directed to the preferred embodiment of a museum tour, but it is intended, and clearly applies, to similar facilities [Albuquerk COL 5 lines 17-18].

Shteyn provides a broader view of facilities in which servers communicate with users over a wireless network, including visitors touring a museum [Shteyn COL 2 lines 16-28]. Similar facilities are shopping malls, streets, airports [Shteyn COL 3 lines 41-46] and districts of regions [Shteyn COL 4 lines 6-12]. The functionality of the network of beacons in Shteyn [ABSTRACT] corresponds to that of the kiosks of Albuquerk. Shops and architectural objects in these facilities correspond to the museum objects of Albuquerk.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to apply the system of Albuquerk to other systems as noted in Shteyn to the extent possible because it would provide greater utility at little or no cost.

The extent to which this is possible, however, is affected by the greater geographical distribution of the objects with which users are involved, and the more limited control of the position and movement of users in such facilities as shopping malls, fairs, exhibit halls, and the like relative to museums.

One of ordinary skill in the art at the time of the invention would have recognized that the use of mobile phones and PDAs resolves this problem by their nature, and that they are readily available for that purpose [Shteyn COL 1 lines 10-18].

Thus the combination of the teachings of Albukerk and Shteyn strongly suggests the use of a mobile phone as a PID in order to gain flexibility for the use of the system of Albukerk in shopping malls and other applications.

Shteyn teaches the use of the Internet with the mobile phone and the PDA [COL 1 lines 35-62 and elsewhere].

As to **claim 4**, Shteyn teaches the use of direct connections to local service [COL 3 lines 1-3 and 36-43], and the use of the Internet directly and/or indirectly through local networks [COL 1 line 35 to COL 2 line 16; FIG 1,4,6].

As to **claims 6, 10-12 and 14**, Shteyn directly addresses meta-data [COL 3 lines 47-50], video streaming [COL 9 lines 25-49], the downloading of application data [COL 10 lines 6-9], and user profiles [Col 3 lines 1-15]. Official notice is taken that the efficiency of modular programming, the use of login and logoff for Internet use were well known at the time of the invention, and the downloading of application software updates.

As to **claim 15**, the facilitation signal of Shteyn [COL 3 lines 1-16] corresponds to a configuration of the user's device.

As to **claim 41**, Shteyn provides for user feedback [COL 3 line 52 and after]. As to **claim 42**, Shteyn addresses future purchases and nothing in his system precludes that from being a ticket for a future event.

The elements of **claims 16-19, 24, 26, 30-32 and 34-39** are rejected in the analysis above and these claims are rejected on that basis.

**5. Claims 8, 28 and 45 are allowed.**

The inclusion of access rights including one or more time-stamped access capabilities that each correspond to a different event service in the context of the other elements of the claims are neither anticipated nor suggested by the prior art of record.

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 **FIRST WEEK**.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER